
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2115 Session of
2019

INTRODUCED BY BERNSTINE, KAIL, ZIMMERMAN, GROVE, KAUFFMAN,
GAYDOS, GILLEN, IRVIN, MILLARD, LAWRENCE, HERSHEY, RADER,
BARRAR, MOUL AND KEEFER, DECEMBER 9, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, DECEMBER 9, 2019

AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania
2 Consolidated Statutes, in ethics standards and financial
3 disclosure, further providing for definitions, for restricted
4 activities, for statement of financial interests, for State
5 Ethics Commission, for powers and duties of commission, for
6 investigations by commission and for supplemental provisions.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The definitions of "public employee" and "public
10 official" in section 1102 of Title 65 of the Pennsylvania
11 Consolidated Statutes are amended and the section is amended by
12 adding a definition to read:

13 § 1102. Definitions.

14 The following words and phrases when used in this chapter
15 shall have, unless the context clearly indicates otherwise, the
16 meanings given to them in this section:

17 * * *

18 "Public employee." Any individual employed by the
19 Commonwealth [or], a political subdivision or a State-related

1 institution who is responsible for taking or recommending
2 official action of a nonministerial nature with regard to:

- 3 (1) contracting or procurement;
- 4 (2) administering or monitoring grants or subsidies;
- 5 (3) planning or zoning;
- 6 (4) inspecting, licensing, regulating or auditing any
7 person; or

8 (5) any other activity where the official action has an
9 economic impact of greater than a de minimis nature on the
10 interests of any person.

11 The term shall not include individuals who are employed by this
12 Commonwealth or any political subdivision thereof, or a State-
13 related institution, in teaching as distinguished from
14 administrative duties.

15 "Public official."

16 (1) Any person elected by the public or elected or
17 appointed by a governmental body or a State-related
18 institution or an appointed official in the executive,
19 legislative or judicial branch of this Commonwealth or any
20 political subdivision thereof, provided that it shall not
21 include members of advisory boards that have no authority to
22 expend public funds other than reimbursement for personal
23 expense or to otherwise exercise the power of the State or
24 any political subdivision thereof.

25 (2) A trustee of a State-related institution.

26 * * *

27 "State-related institution." Any of the following:

- 28 (1) Temple University.
- 29 (2) The University of Pittsburgh.
- 30 (3) The Pennsylvania State University.

1 (4) Lincoln University.

2 Section 2. Sections 1103(f) and (g), 1105(b)(7), 1106(d)(4),
3 1107(13), 1108(k)(7) and 1111 of Title 65 are amended to read:
4 § 1103. Restricted activities.

5 * * *

6 (f) Contract.--No public official or public employee or his
7 spouse or child or any business in which the person or his
8 spouse or child is associated shall enter into any contract
9 valued at \$500 or more with the governmental body or a State-
10 related institution with which the public official or public
11 employee is associated or any subcontract valued at \$500 or more
12 with any person who has been awarded a contract with the
13 governmental body or a State-related institution with which the
14 public official or public employee is associated unless the
15 contract has been awarded through an open and public process,
16 including prior public notice and subsequent public disclosure
17 of all proposals considered and contracts awarded. In such a
18 case, the public official or public employee shall not have any
19 supervisory or overall responsibility for the implementation or
20 administration of the contract. Any contract or subcontract made
21 in violation of this subsection shall be voidable by a court of
22 competent jurisdiction if the suit is commenced within 90 days
23 of the making of the contract or subcontract.

24 (g) Former official or employee.--No former public official
25 or public employee shall represent a person, with promised or
26 actual compensation, on any matter before the governmental body
27 or a State-related institution with which he has been associated
28 for one year after he leaves that body.

29 * * *

30 § 1105. Statement of financial interests.

1 * * *

2 (b) Required information.--The statement shall include the
3 following information for the prior calendar year with regard to
4 the person required to file the statement:

5 * * *

6 (7) The name and address of the source and the amount of
7 any payment for or reimbursement of actual expenses for
8 transportation and lodging or hospitality received in
9 connection with public office or employment where such actual
10 expenses for transportation and lodging or hospitality exceed
11 \$650 in an aggregate amount per year. This paragraph shall
12 not apply to expenses reimbursed by a governmental body or a
13 State-related institution or to expenses reimbursed by an
14 organization or association of public officials or employees
15 of political subdivisions which the public official or
16 employee serves in an official capacity.

17 * * *

18 § 1106. State Ethics Commission.

19 * * *

20 (d) Prohibited activities.--No individual while a member or
21 employee of the commission shall:

22 * * *

23 (4) directly or indirectly attempt to influence any
24 decision by a governmental body or a State-related
25 institution other than a court of law or as a representative
26 of the commission on a matter within the jurisdiction of the
27 commission; or

28 * * *

29 § 1107. Powers and duties of commission.

30 In addition to other powers and duties prescribed by law, the

1 commission shall:

2 * * *

3 (13) Issue findings, reports and orders relating to
4 investigations initiated pursuant to section 1108 which set
5 forth the alleged violation, findings of fact and conclusions
6 of law. An order may include recommendations to law
7 enforcement officials. Any order resulting from a finding
8 that a public official or public employee has obtained a
9 financial gain in violation of this chapter may require the
10 restitution plus interest of that gain to the appropriate
11 governmental body or State-related institution. The
12 commission or the Office of Attorney General shall have
13 standing to apply to the Commonwealth Court to seek
14 enforcement of an order requiring such restitution. This
15 restitution requirement shall be in addition to any other
16 penalties provided for in this chapter.

17 * * *

18 § 1108. Investigations by commission.

19 * * *

20 (k) Confidentiality.--As a general rule, no person shall
21 disclose or acknowledge to any other person any information
22 relating to a complaint, preliminary inquiry, investigation,
23 hearing or petition for reconsideration which is before the
24 commission. However, a person may disclose or acknowledge to
25 another person matters held confidential in accordance with this
26 subsection when the matters pertain to any of the following:

27 * * *

28 (7) testifying under oath before a governmental body or
29 a State-related institution or a similar body of the United
30 States of America;

1 * * *

2 § 1111. Supplemental provisions.

3 Any governmental body or State-related institution may adopt
4 requirements to supplement this chapter, provided that no such
5 requirements shall in any way be less restrictive than the
6 chapter.

7 Section 3. This act shall take effect in 60 days.